

Congressional Record

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Research References

5 Hinds §§ 6958–7024
8 Cannon §§ 3459–3502
1 Deschler Ch 5 §§ 15–20
Manual §§ 923–929

§ 1. In General; Control Over the Record

The present system of reporting the proceedings of the House for the *Congressional Record* is the result of gradual evolution. The first debates, beginning in 1789, were published in condensed form in the *Annals of Congress*. The *Congressional Globe* began in 1833 and continued until 1873, when the *Congressional Record* began. 5 Hinds § 6959.

The Record is governed by statutory provisions and rules as to its format and content. 44 USC §§ 901–910. Control over the arrangement and style of the Record, including maps, diagrams, and illustrations (44 USC § 904), is vested in the Joint Committee on Printing (44 USC § 901). Neither the Speaker nor the House may order changes in the type size or printing style without the approval of the Joint Committee on Printing. Deschler Ch 5 §§ 15.1, 15.2.

The proceedings of the House and the proceedings of the Senate are published in separate portions of the Record, and each House separately controls the content of its portion of the Record. 8 Cannon § 2503. The statement of a Senator that would normally appear in the Senate portion of the Record may not be inserted in that portion of the Record dealing with the proceedings of the House. 87–2, Jan. 16, 1962, p 291.

Both the Joint Committee on Printing and the House have adopted supplemental rules governing publication in the Record. *Manual* § 924. The Committee on House Oversight has jurisdiction of matters relating to printing and correction of the Record. Rule X(h)(8).

A Member is not entitled to inspect the reporter's notes of remarks of others not reflecting on himself (5 Hinds § 6964), nor may he demand that they be read (5 Hinds § 6967; 8 Cannon § 3460).

§ 2. Matters Printed in the Record

Generally

The content of the House portion of the Record is governed by statutory law, the House rules, and the customs and practices of the House. In addition, the House often agrees by unanimous consent to permit certain matter to be inserted in the Record which would not ordinarily be included. Deschler Ch 5 § 16.

The *Congressional Record* is required by House rule to be a “substantially verbatim account” of the proceedings of the House. *Manual* § 764a. Because of this requirement, the Speaker will not entertain a unanimous-consent request to give a special-order speech “off the Record.” 102–2, June 24, 1992, p ____.

Additional matters required by statute or House rules to be printed in the Record include:

- The oath of office subscribed to by a Member. 2 USC § 25.
- Referrals to committee under Rule XXII. *Manual* § 854.
- The filing of committee reports. *Manual* § 743.
- Reports submitted to Congress pursuant to a statute requiring publication in the Record. 87–1, Mar. 24, 1961, pp 4816–18; 87–2, Mar. 15, 1962, p 4324.
- Amendments to be protected for debate time under the five-minute rule. *Manual* § 874.
- Conference reports and accompanying statements. *Manual* § 912.
- Messages received from the Senate and President giving notice of bills passed or approved. *Manual* § 935.
- Statements and rulings of the Chair. 104–1, Jan. 20, 1995, p ____.
- Motions to discharge. *Manual* § 908.
- Voting pairs. *Manual* § 660.
- Timely changes in votes. Deschler Ch 5 § 16.14.

The Record is for the proceedings of the House and Senate only, and unrelated matters are rigidly excluded. 5 Hinds § 6962. It is not, however, the official record, that function being fulfilled by the Journal. See JOURNAL.

As a general principle the Speaker has no control over the Record (5 Hinds §§ 6983, 7017); the House, and not the Speaker, determines the extent to which a Member may be allowed to extend his remarks (5 Hinds §§ 6997–7000; 8 Cannon § 3475), whether or not a copyrighted article shall be printed therein (5 Hinds § 6985), or whether there has been an abuse of the leave to print (5 Hinds § 7012; 8 Cannon § 3474).

The House frequently agrees by unanimous consent to permit insertions of matters of general interest in the Record at the request of Members. Matter which may be inserted in the Record under this procedure include:

- Information relative to the installation of voting equipment in the Chamber. 91–2, Nov. 25, 1970, p 39085.
- Records from litigation involving the House. 90–1, Apr. 10, 1967, pp 8729–62.
- The transcript of proceedings of the House in a secret session. 96–1, July 17, 1979, p 19049.
- Summaries of the work of Congress or its committees at adjournment. 92–2, Oct. 18, 1972, p 37063; 94–1, Dec. 19, 1975, p 41975; 92–1, Dec. 17, 1971, p 47677; 93–2, Dec. 20, 1974, p 41860.

Dispensing With Printing Requirements

The House, in the interests of economy (92–2, May 16, 1972, p 17394), occasionally agrees by unanimous consent to dispense with the printing in the Record of an especially lengthy bill (88–1, June 17, 1963, p 10910; 88–1, Sept. 25, 1963, p 18044; 95–1, Aug. 5, 1977, p 27218), and may instead provide for an explanatory statement in lieu thereof. 87–2, Apr. 2, 1962, p 5531. In such cases, the House will weigh the cost of publishing the bill in the Record against the importance of the bill and the value of its quick dissemination. See 95–1, Aug. 5, 1977, p 27218.

§ 3. Corrections; Deletions

Under an amendment to Rule XIV clause 9 adopted in 1995, the *Congressional Record* account of remarks made during debate is subject to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved. Unparliamentary remarks may be deleted only by permission or order of the House. *Manual* § 764a.

The remarks of a Member, if in order, cannot be stricken from the Record by the House. 5 Hinds § 6974; 8 Cannon § 3498. But remarks that are out of order may be excluded from the Record by House order. See Deschler Ch 5 § 19.8.

Remarks by an interrupting Member who has not been recognized do not appear in the Record. *Manual* § 750.

The Committee of the Whole has no control over deletions from the Record. 5 Hinds § 6986; Deschler Ch 5 § 17.22.

§ 4. Printing Errors

Generally

The House may correct errors in the printing of the Record in order to ensure that the proceedings of the House are accurately recorded. 5 Hinds § 6972. The authority to correct such errors is vested in the House, not the Speaker. 5 Hinds § 7019; Deschler Ch 5 § 18.

The correction of an error in the Record may present a question of the privileges of the House. Deschler Ch 5 §§ 18.1, 18.2; *Manual* § 927. However, this question may not be raised until the daily edition of the Record has appeared (Deschler Ch 5 § 18), and no corrections may be submitted after the permanent edition of the particular volume is published. 91–1, Jan. 23, 1969, p 430.

Errors that may be corrected under this procedure are errors in the transcript or printing of the proceedings, not errors of fact made by a Member during debate. The House may not change the Record merely to show what should have been said on the floor. 5 Hinds § 6974; 8 Cannon § 3498; Deschler Ch 5 § 18.

By Motion or Resolution

A motion or resolution to correct the Record is in order (Deschler Ch 5 § 18) after the approval of the Journal (Deschler Ch 5 § 18.6). A motion or resolution to correct the Record is also in order after objection to a unanimous-consent request to that effect has been objected to (Deschler Ch 5 § 18.9). It is debatable under the hour rule (Deschler Ch 5 §§ 18.7, 18.10), and is subject to a motion to refer to the Committee on Rules (Deschler Ch 5 § 18.8).

§ 5. Extensions of Remarks; Insertions

Generally

In 1968, the Appendix of the Record was replaced by a new heading, “Extensions of Remarks,” for the inclusion of material in the Record which is extraneous to the proceedings on the floor. 90–2, Jan. 5, 1968, p 56. See also 104–1, Jan. 4, 1995, p _____. A Member may be permitted to extend his remarks in this part of the Record so as to insert (1) a speech that was not actually delivered on the floor and (2) extraneous materials related to the subject under discussion, provided the consent of the House is obtained. 5 Hinds §§ 6990–6993; Deschler Ch 5 § 20. This has been a practice of long-standing, dating from as early as 1852, when it was the custom to print undelivered speeches in the Appendix to the Record. 5 Hinds § 6993. Under

the modern practice, such insertions are permitted by unanimous consent and not by privileged motion. 94–2, June 29, 1976, p 21146.

Permission to include extraneous materials may be granted only by the House. The Chairman of the Committee of the Whole may recognize a Member to extend his own remarks (see Deschler Ch 5 § 20.12), but the Committee of the Whole lacks the power to permit the inclusion of extraneous materials (91–1, Sept. 4, 1969, p 24372).

Permission to extend must be sought by the Member whose remarks are to be inserted (Deschler Ch 5 § 20), although general permission to extend is sometimes given to some or all Members. 97–2, Aug. 10, 1982, p 20266; 98–1, Nov. 15, 1983, p 32668.

The substantially verbatim account must be clearly distinguishable, by different typeface, from material inserted under permission to extend remarks; the Speaker has instructed the Official Reporters of Debates to adhere strictly to this requirement. 100–2, Mar. 2, 1988, p 2963; 103–1, Feb. 3, 1993, p ____.

Objecting to Extensions

Any Member may object to a unanimous-consent request to extend remarks or include extraneous material. And a Member may object to unanimous-consent requests en bloc (made at the end of the day by the Majority or Minority Leader) or only to certain of those requests. 94–2, June 29, 1976, p 21165.

Timeliness

Permission to extend must be sought at the proper time. Requests to insert made prior to the reading and approval of the Journal will not be entertained. 87–2, Sept. 19, 1962, p 19940. The Speaker may decline to entertain a request to extend remarks pending a motion to discharge a committee (Deschler Ch 5 § 20.7) or during the pendency of a motion to suspend the rules (Deschler Ch 5 § 20.8).

Strict Construction

Authorizations to extend remarks in the Record are strictly construed. (Deschler Ch 5 § 20.) A Member who has received permission to extend his remarks may not without consent include in such remarks extraneous matter, such as an article or speech by another person. 8 Cannon § 3479; Deschler Ch 5 § 20.23. Similarly, a Member who has obtained the consent of the House to extend remarks only on a specific bill must confine his insertions to the subject matter of the bill and may not include extraneous materials such as letters, editorials, or articles. (Deschler Ch 5 § 20.24.)

The Chair may decline to entertain a request that a Member be permitted to revise and extend his remarks on a point of order (98–1, Nov. 2, 1983, p 30545) or to insert, immediately following a roll call vote on an amendment, a previous record vote on the same subject (96–2, Jan. 30, 1980, p 1319).

Limitations on Insertions

Under leave to extend a Member may not insert matter which:

- Would be out of order if stated on the House floor. 5 Hinds § 7003; 8 Cannon § 3472; 102–2, Oct. 2, 1992, p ____.
- Is unparliamentary. 8 Cannon § 2513; Deschler Ch 5 §§ 20.19, *et seq.*
- Fails to comply with statute or the rules of the Joint Committee on Printing as to format (44 USC § 904), cost-estimate requirements (87–2, Feb. 12, 1962, p 2207; 87–2, Oct. 9, 1962, p 22850), and subject matter (92–2, May 10, 1972, pp 16661, 16748–16836). See also 8 Cannon § 3501.
- Fails to conform to the descriptions implicit in the request to which the House consented. 5 Hinds § 7001; 8 Cannon § 3479; Deschler Ch 5 §§ 20.25, 20.26.
- Fails to include the Member’s signature (93–2, Aug. 15, 1974, p 28385).
- Alters the nature of colloquies as recorded on the floor (96–1, May 7, 1979, p 10099) or changes the meaning of what another Member said (Deschler Ch 5 § 20.3).
- Includes newspaper articles or other extraneous matter without having obtained authority to do so. 8 Cannon §§ 3480–3483.

Abuse of Leave to Print

Abuse of the leave to print gives rise to a question of privilege. 5 Hinds §§ 7008, 7011; 8 Cannon §§ 3491, 3495. A resolution to investigate the propriety of remarks as constituting such abuse (8 Cannon § 3495), or for the appointment of a committee to consider the propriety of remarks inserted under leave to print (8 Cannon § 3493) is privileged (5 Hinds § 7012), but is not in order until the Record appears (5 Hinds §§ 7020, 7021). An inquiry by the House as to alleged abuse of leave to print does not necessarily entitle the Member implicated to the floor on a question of personal privilege (5 Hinds § 7012); but when a committee is appointed to investigate the propriety of a Member’s remarks in the Record, the Member is afforded an opportunity to be heard (8 Cannon § 3491).

Expungement

The extension of remarks in the Record by a Member without the permission of the House constitutes grounds for a question of the privilege of the House, and the House may expunge such remarks from the Record. Deschler Ch 5 § 20.2. A resolution to expunge a speech alleged to be an

abuse of leave to print is privileged (8 Cannon §§ 3475, 3491), and entitles its proponent to recognition to debate it (8 Cannon § 3479).

Forms

MEMBER: Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record.

OPPONENT: Reserving the right to object, on what subject does the gentleman propose to extend remarks?

MEMBER: Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed, H.R. _____, by inserting an article pertaining thereto.

MAJORITY LEADER: Mr. Speaker, I ask unanimous consent that all Members speaking on the bill have five legislative days in which to extend remarks in the Record, to be confined to the bill.